



THE ROBERT HENRY CORPORATION

General and Utility Contractors

July 9, 2009

The Honorable Jeff Mayes
Chairman, House Energy and Technology Committee
Room 1285 House Office Building
Lansing, MI 48909

Re: House Bill No. 4999

Dear Representative Mayes:

As Chairman and CEO of The Robert Henry Corporation, I am concerned about Michigan's "Frost Law" and its negative impact on utility subcontractors. Michigan's Frost Law takes effect during the months of March, April and May each year. During these months, weight limits on certain roads are generally reduced by 35%. This weight limit reduction presents special problems for our company. Many of our utility repair and maintenance vehicles are not able to meet this reduced weight limit; however, the need for reliable and efficient utility service does not end during those months.

Michigan's Frost Law only partially accommodates itself to the important needs of its citizens and businesses for reliable and efficient utility service. Michigan's utilities and their subcontractors are able to use county roads under Michigan's unreduced weight limits to respond to emergencies. However, during these three months when the Frost Laws are in effect, utilities, **but not their subcontractors**, may obtain permits for their vehicles to use county roads for non-emergency utility work such as trenching for underground electric and gas service and tree trimming to protect against outages in preparation for spring storms. Subcontractors do much of this non-emergency work. Denying utility subcontractors the same ability to obtain permits to use county roads degrades utility industry efforts to operate reliably and efficiently.

We are a company that provides emergency and non-emergency services to the utility industry. We perform these services in Michigan for Indiana Michigan Power, Division of American Electric Power. Additionally, we perform subcontract services for utilities throughout the Midwest. We are headquartered in South Bend, Indiana, with satellite offices in Benton Harbor, Michigan, Elkhart, Ft. Wayne and Muncie, Indiana and Lima, Ohio.

We have been in this business for 35 years as a union contractor; the International Brotherhood of Electrical Workers (IBEW) represents many of our employees, and Building Trades unions representing many other employees. We carry substantial commercial general liability insurance to ensure we are well covered for the many risks associated with our business. We currently employ 100 individuals, of which 7 are Michigan taxpayers. Our company is registered to do business in Michigan and has been subcontracting continuously for work for Michigan Utility Companies in Southwestern Lower Michigan for 20 years.

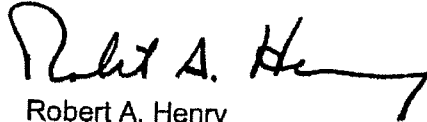
We believe Michigan's current law, which allows utilities permitted use of county roads during March, April and May, is a necessary balance between the interests of providing reliable and efficient utility service and maintaining the roads. We are doing the same work as the utility companies and that work should be accorded the same privileges and responsibilities whether performed by a utility company or its subcontractor.

I ask for your support of House Bill No. 4999 to address this issue. HB 4999 would simply allow utility subcontractors to use county roads during the months of March, April and May under the same rules and procedures that apply to the utilities that employ them.

Thank you for introducing HB No. 4999. We appreciate your support. Please call either myself or Stephen R. Henry, President and COO, if you have any questions. I can be reached at 574-232-2091.

Very truly yours,

THE ROBERT HENRY CORPORATION



Robert A. Henry
Chairman and CEO

cc: Members House Energy and Technology Committee

RAH:pk

404 South Frances Street • P.O. Box 1407 • South Bend, Indiana 46624
www.roberthencorp.com • Tel. 574-232-2091 • Fax 574-232-3979

